

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH THOMAS

Plaintiff,

v.

TRANS UNION LLC and
CINGULAR WIRELESS

Defendant.

C.A. NO: 02-CV-4586

TRANS UNION LLC'S STATEMENT OF UNDISPUTED FACTS

Trans Union LLC ("Trans Union") provides the following material facts for which there is no dispute in support of its motion for summary judgment:

1. Trans Union is a "consumer reporting agency" as defined by the Fair Credit Reporting Act, 15 U.S.C. §1681 *et seq.* (the "FCRA"). Complaint ¶27, Answer of Trans Union, ¶27.

2. Plaintiff asserts Trans Union reported inaccurate information relating to Cingular Wireless, United Compucard, and Franklin Collection Service, Inc. Complaint ¶8.

3. Plaintiff has disclosed no evidence that any of the above information is inaccurate.

4. Plaintiff has disclosed no evidence that Trans Union's reporting of any of the above information caused him harm.

5. On October 26, 2001, Trans Union received a letter from Plaintiff in which Plaintiff asserted, *inter alia*, accounts were fraudulently opened in his name, including Cingular Wireless Account # 441565800104; Franklin Collection Account # 1003653639; and Compucard Account # 5167654. Exhibit "A."

6. Trans Union deleted Cingular Wireless Account # 441565800104; Franklin Collection Account # 1003653639; and Compucard Account # 5167654 from Plaintiff's file and

notified Plaintiff of this fact. Exhibit "B," excerpts from November 9, 2001 and November 23, 2001 Trans Union consumer file disclosures.

7. On February 11, 2002, Trans Union received a letter of dispute from Plaintiff in which Plaintiff disputed the accuracy of Compucard Account # 5179400; Cingular Account #442074700104; Cingular Account # 4102992300141; Cingular Account # 4103165100141; and Cingular Account # 4102992200141.

8. Trans Union deleted Compucard Account # 5179400; Cingular Account #442074700104; Cingular Account # 4102992300141; Cingular Account # 4103165100141; and Cingular Account # 4102992200141 from Plaintiff's file and notified Plaintiff of this fact. Exhibit "C," excerpt from February 25, 2002 and March 12, 2002 Trans Union consumer file disclosures.

9. None of the disputed account information reappeared on Plaintiff's files.

10. Within 30 days of receipt of notice of disputed information, Trans Union deleted all credit information which Plaintiff asserts in the complaint that Trans Union inaccurately reported.

11. No information was concealed from Plaintiff. Trans Union did not misrepresent to Plaintiff the information contained in his file.

12. Trans Union did not willfully violate the FCRA or act with malice or willful intent to injure Plaintiff. Trans Union did not engage in any unfair trade practice with respect to Plaintiff.

Respectfully Submitted,

SATZBERG, TRICHON,
KOGAN & WERTHEIMER, P.C.

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